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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,911	07/25/2003	Doogong Yip	M&R 3.0-039	3475

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WESTFIELD, NJ 07090

EXAMINER
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FERGUSON SAMRETH, MARISSA LIANA

ART UNIT	PAPER NUMBER
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2854

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/627,911	<b>Applicant(s)</b> YIP, DOOGONG	
	<b>Examiner</b> Marissa L. Ferguson-Samreth	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/3/06 and the interview held on 11/06.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-13 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7,9-13 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4 ,19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura (JP 60244585).

Regarding claim 1, Kimura teaches a first marking structure (1) having a front surface adapted to print first ink (Purpose) onto an object, a rear surface and peripheral edges extending between said front and rear surfaces (Figure 1), second marking structure (2) having front surface adapted to print a second ink (Purpose) onto an object, rear surface and peripheral edges extending between front and rear surfaces of a second marking structure (Figure 1) and first and second marking structures being permanently assembled together so that least one said edges of the first marking structure opposes at least one of the edges of a second marking structure (Figures 1 and 2), wherein at least one of the opposing edges has a non-porous surface (4) for preventing migration of the first ink of the first marking structure with the second ink of the second marking structure (Constitution, Lines 4-7).

Regarding claim 4, Kimura teaches a first ink that has a first color and a second ink that has a second color that is different than the first color (Purpose and Constitution, Page 1, Lines 1-4).

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Regarding claim 19, Kimura teaches wherein the opposing edges of the first and second marking structures are in contact with one another (Figures 1 and 2).

Regarding claim 21, Kimura teaches wherein the non-porous surface (4) is integral with one of the first and second marking structures (Figures 1 and 2).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (JP 60244585) in view of Yashoshima (US Patent 5,865,892).

Kimura teaches the claimed invention with the exception of wherein first and second marking structures comprises a microporous foam. Yashoshima teaches ink pads/marketing structures comprised of a microporous foam (Column 5, Lines 38-41). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Kimura to replace the marking structures thereof with micorporous foam as taught by Yashoshima, since Yashoshima teaches that it is advantageous to provide a material capable of absorbing and desorbing an aqueous dye-based ink.

Regarding claim 20, Kimura teaches wherein a non-porous surface (4) comprises melted microporous foam that prevents ink from passing therethrough (Constitution, Page 1, Lines 4-7 and Page 2, Lines 1-5).

3. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (JP 60244585) in view of Imamaki (US 6,634,288).

Regarding claim 3, Kimura teaches the claimed invention with the exception of wherein first and second marking structures comprised of a mixture of thermoplastic resin and ink. Imamaki teaches a stamp with a marking structure having a mixture of thermoplastic ink and resin (Column 5, Lines 1-5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Kimura to replace the marking structures thereof with structure having a mixture of thermoplastic resin and ink as taught by Imamaki, since Imamaki teaches that it is advantageous to utilize an effective material for holding and transferring ink.

Regarding claim 5, Kimura teaches the claimed invention with the exception of wherein the at least one edge has a non-porous surface that is exposed to a light source for forming the non-porous surface. Imamaki teaches a stamp with a marking structure being heated by light and thermal members (Column 14, Claim 1, Lines 38-44). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Kimura to include a marking structure with a non-porous surface that is exposed to light as taught by Imamaki, since

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Imamki teaches that it is advantageous to seal the portions of a stamp for the purposes of forming a concise image without smudging.

4. Claims 3 and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (JP 60244585) in view of Fletcher (6,119,307).

Kimura teaches the claimed invention with the exception of a pre-inked marking structure and a mixture of thermoplastic resin/ink. Fletcher et al. teaches a stamp that discloses a pre-inked marking structure (Abstract) that includes a mixture of thermoplastic resin/ink (Column 1, Lines 21-26). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Kimura to include a pre-inked marking structure with a mixture of thermoplastic resin/ink as taught by Fletcher et al., since Fletcher et al. allows the ink to escape at a controlled rate within the marking structure.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (JP 60244585) in view of Imamaki et al. (US Patent 6,000,335).

Kimura teaches the claimed invention with the exception of at least one edge that is exposed to a light source. Imamaki et al. forms a non-porous surface by applying a light source heat that melts the microporous stamping member (Column 3, Lines 55-63). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention as taught by Kimura to include a heating source as taught by Imamaki et al., since Imamaki et al. forms a non-porous surface in order to provide an impermeable portion to retain the ink within the stamping structure.

***Allowable Subject Matter***

6. Claims 7, 9-13 and 22-24 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 7, the prior art does not teach or render obvious first and second marking structures being assembled together with the first patterned peripheral edge of a first marking structure interlocking with the second patterned peripheral edge of the second marking structure so that the first and second marking structures can be assembled together in only one configuration, wherein at least one of the interlocked first and second peripheral patterned peripheral has a non-porous surface for preventing ink migration between the first and second marking structures.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-7, 9-13 and 19-24 have been considered but are moot in view of the new ground(s) of rejection. Also, the new rejection has been added in response to the interview held on 11/7/06.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson-Samreth whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marissa L Ferguson-Samreth  
Examiner  
Art Unit 2854

MFS



Daniel J. Colilla  
Primary Examiner  
Art Unit 2854